



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BARCLEY DWYER CO., INC.,

Plaintiff,

-against-

MINORU YAMASAKI ASSOCIATES, INC., et
al.

Defendant.
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**ORDER OF DISMISSAL AND TO
SHOW CAUSE**

04. Civ. 5024 (AKH)

21 MC 101 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff filed its Complaint in this case on June 25, 2004. The case was consolidated into the 21 MC 101 master docket. All the claims in the 21 MC 101 master docket have been resolved. However, this individual case remains open and the docket reflects no recent activity.

A district court may dismiss an action *sua sponte* for failure to prosecute. *LeSane v. Hall's Sec. Analyst Inc.*, 239 F.3d 206, 209 (2d Cir. 2001); *see* Fed. R. Civ. P. 41(b). Although dismissal is "a harsh remedy to be utilized only in extreme situations," *United States ex rel. Drake v. Norden Sys., Inc.*, 375 F.3d 248, 254 (2d Cir. 2004) (quoting *Minnette v. Time Warner*, 997 F.2d 1023, 1027 (2d Cir. 1993)) (internal quotation marks omitted), "the authority to invoke it for failure to prosecute is vital to the efficient administration of judicial affairs and provides meaningful access for other prospective litigants to overcrowded courts." *Lyell Theatre Corp. v. Loews Corp.*, 682 F.2d 37, 42 (2d Cir. 1982).

In light of the absence of recent activity, I *sua sponte* dismiss this case, with the proviso that the case will be reopened if Plaintiff shows cause by August 15, 2014 why this action should not be dismissed for failure to prosecute.

The Clerk is directed to mark the case closed.

SO ORDERED.

Dated: June ~~26~~²⁴, 2014
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge